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KRISTINE BETTY PEARCE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR. S-04-0275 LKK
)	
Plaintiff/Appellee,)	(Magistrate Judge Appeal)
)	
v.)	
)	ORDER AFTER HEARING
KRISTINE BETTY PEARCE,)	
)	
Defendant/Appellant.)	
)	
_____)	

After considering the briefs and argument on the above appeal, the Court hereby VACATES the judgment and sentence imposed by the magistrate judge on July 12, 2004. This decision rests on the court's failure to carefully explain to Ms. Pearce her rights to jury trial and to trial, judgment, and sentencing before a district judge, as required by 18 U.S.C. § 3401(b). Also see, Fed. R. Crim. P. 58(b)(2)(E) and (F); United States v. Marcyes, 557 F.2d 1361 (9th Cir. 1977).

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1 The case is REMANDED to the magistrate judge for a new arraignment
2 at which defendant shall be carefully advised in accordance with 18
3 U.S.C. § 3401(b) and Rule 58 about her right to a jury trial and about
4 her right to trial, judgment, and sentencing before a district judge.

5 IT IS SO ORDERED.

6
7 Dated: May 18, 2005

/s/Lawrence K. Karlton
HON. LAWRENCE K. KARLTON
United States District Judge